

KADK310017452025



Presented on : 22-08-2025
Registered on : 23-08-2025
Decided on : 11-08-2026
Duration : 00 years, 11months, 20 days

**IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL
JUDGE & J.M.F.C., AT PUTTUR**

: PRESENT :

**Devaraj Y.H., B.A.L., L.L.B,
I Additional Senior Civil Judge & JMFC.,
Puttur, D.K.**

DATED THIS THE 11th DAY OF AUGUST, 2026

:: M.V.C./1228/2025 ::

PETITIONER

C. Chandrakumar,
Aged about 47 years,
S/o. Chinnamuthu,
R/o. No.1-363, Panjala House,
Aryapu Post and Village,
Puttur Tq, D.K.

(Rep. By. Adv: Sri A.D.R.)

V/S.

RESPONDENTS

1. **Krishna Kumar Rai P. D.,**
Aged about 75 years,
R/o. 1-198, Devasya Kaje House,
Punchappady Village and Post,
Kadaba Taluk, D.K.
(R.C. Owner of Car
Regn. No.KA-21-Z-5765)
2. The Manager,
National Insurance Company Ltd.,
Division Office-2,

2nd Floor, Rasik Chamber,
Opposite Central Market Road,
Mangalore,
Policy No.602308312461600006454
Valid 12-02-2025 upto 11-02-2026
(Insurer of Car
Regn. No.KA-21-Z-5765)
(R1 Rep. By Shri. M.K.S. Adv.)
(R2 rep. by Sri. U.S.N., Adv.)

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:: JUDGMENT ::

This claim petition is filed by the petitioner U/s 166 of MV Act claiming compensation for the injuries sustained by him in the Motor Vehicle Accident.

2. Brief facts of the petitioner's case is as hereunder.,

It is that on 22.05.2025 at about 4.30 p.m., he was driving an Auto Rickshaw bearing Reg. No. KA-21-C-5186 from Sampya towards Puttur, slowly and cautiously, observing the traffic rules. When he reached near Santhom Gurumandira, Mukrampady, Kemminje Village, Puttur Taluk, a Car bearing Reg. No. KA-21-Z-5765, coming from the Mukrampady Layout side, was driven by its driver at a high speed and in a rash and negligent manner. It is

alleged that the driver of the car suddenly entered the main road without observing the approaching traffic, lost control over the vehicle and dashed against the petitioner's Auto Rickshaw.

3. Stated that due to the impact, the petitioner sustained multiple injuries, including an abrasion over the right occipital region, tenderness and swelling over the cervical spine region, contusion and tenderness over the right side of the chest, tenderness and swelling over the left shoulder with painful and restricted movements, and contusion over the right shoulder. The X-ray examination revealed a compression fracture of the body of C5 vertebra and fracture of the greater tuberosity of the left humerus, apart from other injuries.

4. Stated that immediately after the accident, the petitioner was shifted to Mahaveer Hospital, Puttur, where he received treatment and was admitted as an inpatient from 23.05.2025 to 24.05.2025. It is stated that he underwent necessary investigations, X-rays and conservative treatment under Dr. Pradeep Kumar and

other doctors. According to the petitioner, he has incurred more than Rs.75,000/- towards medical expenses, nourishment, conveyance and attendant charges and would require approximately Rs.25,000/- towards future treatment.

5. It is further contended that, as on the date of the accident, the petitioner was aged 47 years and was hale and healthy. He was allegedly working as an Auto Rickshaw driver under Smt. Leelavathi and was also engaged in tiles and granite fixing work as a mason under Narayana A.V., AVG Associates, Puttur Taluk, and was earning about Rs.45,000/- per month. According to him, due to the injuries sustained in the accident, particularly the cervical vertebral and left humerus fractures, he has difficulty in lifting and carrying weights and performing manual work and has thereby suffered loss of income and permanent disability. He further claims to be suffering from continuing pain, discomfort and loss of amenities.

6. It is stated that the accident solely to the rash and negligent driving of the Car bearing Reg. No. KA-21-Z-

5765. Respondent No.1 being the registered owner and Respondent No.2 being the insurer of the said vehicle are, according to the petitioner, jointly and severally liable to satisfy the award. Accordingly, the petitioner has claimed a total compensation of Rs.15,00,000/-, together with interest at 21% per anum, under various heads of pecuniary and non-pecuniary damages.

7. After institution of this petition, notices issued against the Respondents. In response of the said notices, Respondent No.1 and Respondent NO.2 appeared through their advocates and filed separate written statements.

8. BRIEF FACTS OF THE WRITTEN STATEMENT FILED BY THE 1 RESPONDENT.

Respondent No.1 appeared and filed his written statement contending that the claim petition is frivolous, vexatious and not maintainable either in law or on facts. He has denied the material averments of the petition, including the age, avocation and income of the petitioner, manner of the accident, nature and extent of injuries, treatment and medical expenses, disability and the

compensation claimed.

9. Respondent No.1 has specifically denied that the accident occurred due to the rash and negligent driving of the Car bearing Reg. No. KA-21-Z-5765. According to him, he was driving the said car carefully and cautiously, observing the traffic rules, and the accident occurred due to the negligence of the petitioner himself while driving the Auto Rickshaw bearing Reg. No. KA-21-C-5186. Thus, he denies any actionable negligence on his part.

10. Respondent No.1 further contends that the compensation and interest claimed by the petitioner are highly excessive, exorbitant and unreasonable. He has pleaded that the offending car was duly insured with Respondent No.2 as on the date of the accident, that he possessed a valid and effective driving licence and that there was no violation of the terms and conditions of the insurance policy. Therefore, in the event of any compensation being awarded, Respondent No.2–Insurer is liable to indemnify Respondent No.1 and satisfy the award.

11. On these grounds, Respondent No.1 has sought dismissal of the claim petition as against him.

**12. BRIEF FACTS OF THE WRITTEN STATEMENT
FILED BY THE 2nd RESPONDENT**

Respondent No.2– denied the material averments of the petition regarding the manner of accident, age, avocation and income of the petitioner, nature of injuries, treatment, medical expenses, permanent disability and quantum of compensation. It specifically denied that the accident occurred due to the rash and negligent driving of Car bearing Reg. No. KA-21-Z-5765 and contended that the accident occurred solely due to the negligence of the petitioner while driving Auto Rickshaw bearing Reg. No. KA-21-C-5186. It further contended that the drivers did not possess valid and effective driving licenses and that there was violation of the policy conditions. It disputed its liability and contended that, even if the policy is proved, its liability is subject to the terms and conditions thereof. It also contended that the compensation and interest claimed are excessive and sought dismissal of the petition against it with costs.

13. Perused the petition and the written statement as well the documents. Below mentioned issues have been framed by this Tribunal.,

ISSUES

1. Whether the petitioner proves that on 22-05-2025 at about 4.30 p.m. when he was proceeding by driving a Autorikshaw bearing Reg. No.KA-21-C-5186 near Santhom, Gurumandira, Mukrampady, Kemminje Village, Puttur Taluk, a Car bearing Reg. No.KA-21-Z-5765 came from Mukrampady Layout side driven by its driver in arash and negligent manner with high speed suddenly entered the main road and dashed against the Autorikshaw as such Petitioner sustained multiple injuries as mentioned in the petition?
2. Whether the R2 proves that the drivers of Autorikshaw and the Car which were involved in accident did not possessed valid or effective driving license, permit and fitness as on the date of the accident?
3. Whether the Petitioner is entitled for the compensation? If so what amount?

4. What Order or Award?

14. In order to prove his case, petitioner examined himself as PW.1 and produced 16 documents which were marked as Ex.P1 to 16. Further petitioner in support of their case examined Dr. Pradeep Kumar as Cw-1 through the Court Commissioner.

15. Respondents have not adduced any evidence. Counsel for the respondent no.2 produced copy of the insurance policy of the offended vehicle bearing registration no: KA-21-Z-5765 which was marked as Ex.R1 with the consent of counsel for the petitioner.

16. Heard counsel for both parties and merits. Perused the pleadings, oral and documentary evidence adduced by the parties. My findings to the above issues is as hereunder.,

Issue No.1 :	In the Affirmative
Issue No.2 :	In the Negative
Issue No.3 :	In partly Affirmative
Issue No.4 :	As per final order for the following ;

REASONS

17. **Issue No.1:** The specific case of the petitioner is that on 22-05-2025 at about 4.30 p.m., while he was driving his Auto Rickshaw bearing Registration No. KA-21-C-5186 from Sampya towards Puttur side, the driver of the offending Car bearing Registration No.KA-21-Z-5765 drove the vehicle in a rash and negligent manner,with high speed without observing traffic regulations and dashed against the petitioner's Auto Rickshaw near Santhom, Gurumandira, Mukrampady, Kemminje Lay out side. As a result of the said accident, the petitioner sustained severe & grievous injuries over Abrasion over occipital region right side measuring 2cmx 2cm red in colour, Tenderness, swelling over C spine region contusion present, Contusion over chest region Right side, Tenderness present, Tenderness swelling over Left shoulder ROM Painfull and restricted, Tenderness over Right shoulder contusion Present. X Ray Findings: Compression fracture of body of C5 vertebra, Fracture greater tuberosity of humerus (L)

and other multiple injuries all over the body.

18. On the other hand, respondent No.2 has denied the manner of the accident, the negligence attributed to the driver of the offending car, the injuries sustained by the petitioner and the treatment undergone by him, and has put the petitioner to strict proof of the same.

19. The burden squarely lies upon the petitioner to establish that the accident occurred due to the rash and negligent driving of the offending car and that he sustained injuries in the said accident. In order to discharge the said burden, the petitioner examined himself as PW-1 and produced Exs.P1 to P16. PW-1 has reiterated the averments made in the claim petition and has consistently deposed regarding the manner in which the accident occurred, the injuries sustained by him and the treatment undergone.

20. A perusal of the documentary evidence reveals that Ex.P1 is the true copy of the FIR, Ex.P2 is the true copy of the complaint, Ex.P3 is the true copy of the Spot Mahazar, Ex.P4 is the true copy of the Rough Sketch,

Ex.P5 is the true copy of the notice issued under Sec.133 of IMV Act, Ex.P6 is the true copy of the reply given to the notice issued under Sec.133 of IMV Act, Ex.P7 is the true copy of the Motor Vehicles Accident Report, Ex.P8 is the true copy of the wound certificate, Ex.P9 is the true copy of the charge sheet, Ex.P10 is the medical bills (16 in numbers), Ex.P11 is the Prescriptions (3 in numbers), Ex.P12 is the discharge summary, Ex.P13 is the disability certificate, Ex.P14 is the salary receipt, Ex.P15 is the notarized copy of the DL and Ex.P16 is the X-ray.

21. Particular significance attaches to Ex.P9, namely the Charge Sheet, which discloses that after completion of investigation, the Investigating Officer has laid the charge sheet against the driver of the offending car for the offences punishable under Sections 281 and 125(b) of the Bharatiya Nyaya Sanhita, 2023, alleging that the accident occurred due to his rash and negligent driving. Though a charge sheet is not conclusive proof of negligence, it is a relevant piece of evidence and, in the absence of rebuttal evidence, can be taken into consideration while deciding a

claim under Section 166 of the Motor Vehicles Act.

22. The medical records, namely Ex.P8, Ex.P11, Ex.P-12, Ex.P13 and Ex.P16, clearly establish that the petitioner sustained grievous injuries in the said accident and underwent inpatient treatment at Mahaveer Hospital, Puttur, from 23-05-2025 to 24-05-2025 & sustained two grievous and three simple injuries as well sustained permanent disability due to the injuries caused in the accident.

23. The Hon'ble Supreme Court in *Bimla Devi & Others v. Himachal Road Transport Corporation & Others*, (2009) 13 SCC 530, has held that proceedings before the Motor Accident Claims Tribunal are summary in nature and negligence is required to be established on the touchstone of preponderance of probabilities and not beyond reasonable doubt. Similarly, in *Mangla Ram v. Oriental Insurance Co. Ltd.*, (2018) 5 SCC 656, the Hon'ble Supreme Court reiterated that where the claimant's version is supported by the FIR, charge sheet and other

contemporaneous records, and there is no rebuttal evidence from the insurer or owner, the Tribunal can safely record a finding of negligence on the basis of such material.

24. In the present case, except filing the written statement, respondent No.1 and 2 have neither entered the witness box nor produced any oral or documentary evidence to rebut the evidence adduced by the petitioner. No material has been placed on record to show that the police papers have been challenged before any competent forum or that the investigation culminated in a closure report. Nothing worthwhile has been elicited in the cross-examination of PW-1 to discredit his testimony regarding the manner of the accident.

25. Therefore, on an overall appreciation of the oral and documentary evidence and applying the principles laid down by the Hon'ble Supreme Court in *Bimla Devi and Mangla Ram*, this Tribunal is satisfied that the petitioner has established, on the touchstone of preponderance of

probabilities, that the accident occurred solely due to the rash and negligent driving of the driver of the offending Car bearing Registration No.KA-21-Z-5765 and that the petitioner sustained the grievous injuries mentioned in Ex.P8 and underwent treatment as evidenced by Ex.P12. Accordingly, Issue No.1 is answered in the Affirmative.

26. **Issue No.2 :-** Respondent No.2 has specifically pleaded that the driver of the offending car bearing Registration No.KA-21-Z-5765 did not possess a valid and effective driving licence and that the vehicle did not have a valid fitness certificate as on the date of the accident. The burden of proving the said defence squarely rests upon the insurer.

27. It is well settled by the Hon'ble Supreme Court in National Insurance Co. Ltd. v. Swaran Singh & Others, (2004) 3 SCC 297, that the insurer cannot avoid its statutory liability merely by taking a plea of breach of policy conditions. The insurer is required to establish, by cogent and convincing evidence, that there was a breach of

the terms and conditions of the policy and that such breach falls within the statutory defences available under Section 149(2) of the Motor Vehicles Act.

28. In the present case, except taking the plea in the written statement, respondent No.2 has neither adduced any oral evidence nor produced any documentary evidence to establish that the driver of the offending vehicle did not possess a valid and effective driving licence or that the vehicle did not have a valid fitness certificate or permit as on the date of the accident. In the absence of any acceptable evidence, the plea raised by respondent No.2 remains a mere assertion and cannot be accepted. Accordingly, this Tribunal holds that respondent No.2 has failed to prove the alleged breach of the policy conditions. Consequently, the defence raised by respondent No.2 is liable to be rejected. Hence, Issue No.2 is answered in the Negative.

29. **Issue no.3:** The petitioner filed this petition and prays to grant Rs.15,00,000/- with interest at the rate of 21% p.a. as compensation with respect of the

injuries caused to him in the road traffic accident from the respondents. It has been contended that the respondents are jointly and severally liable to pay the compensation to the petitioner.

30. Petitioner has produced cogent and convincing evidence to show that, he has suffered grievous injuries in the Road Traffic Accident which was occurred on 22-05-2025 as contended by him in the petition.

31. Now, it is necessary to find out whether the quantum of compensation claimed by the claimant is just and fair and if not, then what is the just and fair compensation payable to him.

32. PW1/claimant has stated that, in the accident he sustained Grievous injuries, as such he was taken the treatment in the Mahaveer Hospital, Puttur, as inpatient for about 02 day from 23-05-2025 to 24-05-2025 and spent more than Rs.75,000/- towards medicines, nutriment, transport and attendant charges. The claimant/PW1 has further stated that, he is still taking follow up treatment to the injuries caused to him in the

accident. Further stated that he was hale and healthy before the accident and used to work as a Auto Driver under one Leelavathi & used to earn Rs.45,000/- per month. Further stated that due the accident, he is not able to do his driving work, as such he lost his income and future income.

33. In order to prove the injuries suffered by him in the accident and regarding taking of medical treatment, claimant has, in addition to his oral evidence, produced documentary evidence in the form of Wound Certificate, Discharge summary, Disability Certificate, X-rays, medical bills and prescriptions.

34. As per the Wound Certificate at Ex.P-8, the claimant has sustained multiple injuries, including an abrasion over the right occipital region, tenderness and swelling over the cervical spine region, contusion and tenderness over the right side of the chest, tenderness and swelling over the left shoulder with painful and restricted movements, and contusion over the right shoulder. The X-ray examination revealed a compression fracture of the

body of C5 vertebra and fracture of the greater tuberosity of the left humerus, apart from other injuries.

35. Further, the claimant has also got examined the doctor who has issued him the Disability Certificate, by name Dr. Pradeep Kumar as CW.1.

36. Cw-1 the Orthopedic Surgeon of Mahaveer Medical Centre, Puttur, deposed that he examined and treated the petitioner following the road traffic accident dated 22.05.2025. As per the wound certificate at Ex.P8, the petitioner sustained five injuries, of which three were simple and two were grievous, including compression fracture of the C5 vertebral body and fracture of the greater tuberosity of the humerus. The petitioner was treated conservatively as an inpatient from 23.05.2025 to 24.05.2025 and thereafter received follow-up treatment.

37. The doctor further deposed that on 05.02.2026, he examined the petitioner for assessment of permanent disability and noticed restriction of movements of the cervical spine and shoulder. On clinical and radiological examination and with reference to the applicable

guidelines, he assessed 12% permanent physical impairment of the shoulder and stated that the petitioner would have difficulty in lifting heavy weights and performing heavy work and his occupation. The disability certificate is marked as Ex.P13 and the case sheet as Ex.C1. He identified the disability certificate marked as Ex.P13.

38. In the cross-examination, the Cw-1 admitted that the petitioner had not undergone any surgery and that the wounds had healed, though there was restriction of movements. He denied the suggestions that the compression fracture would not result in disability, that he had issued Ex.P13 without verifying the medical records or without clinical and radiological examination, and that the injuries mentioned in the wound certificate did not correspond with the disability assessed. He further denied that the disability percentage was exaggerated or that Ex.P13 was issued falsely only to assist the petitioner in claiming higher compensation.

39. From the perusal of the cross-examination, it is

evident that the counsel for the respondent No.2 unable to extract anything contrary to the contents of the petition & Ex.P-8 and Ex.P-13.

40. Cw-1 has assessed the permanent disability at 12% of the right shoulder, aggregating to 12% disability of the affected right shoulder as per Ex.P13. However, the said disability relates only to the particular shoulder and cannot be mechanically taken as the whole-body disability.

41. In view of the principles laid down by the Hon'ble Supreme Court in *Raj Kumar v. Ajay Kumar & Another*, (2011) 1 SCC 343, the Tribunal is required to assess the functional disability having regard to its impact on the earning capacity of the claimant. Considering the nature of the injuries, medical evidence and the occupation of the petitioner, this Court is of the opinion that one-third of the limb disability would reasonably represent the permanent disability to the whole body. Accordingly, the whole-body disability is assessed at 4% for the purpose of computing compensation.

42. From the cross-examination of PW-1, nothing worthwhile has been elicited to discredit his testimony or to contradict the material averments made in the claim petition. As this Tribunal has already held that the accident occurred solely due to the rash and negligent driving of the offending car, the petitioner is entitled to just and reasonable compensation in accordance with law.

43. The petitioner has stated that he was aged 47 years as on the date of the accident. Ex.P15 discloses his date of birth is 05.7.1978. this document has not been disputed by the Respondents, as such it can be it can be inferred that he was aged about 47 years as on the date of the accident. Hence the age of the petitioner is considered as 47 years for the purpose of computation of compensation.

44. The compensation payable to the petitioner comprises pecuniary damages, such as medical expenses, attendant charges, conveyance, loss of income during treatment and future loss of earning capacity, and non-pecuniary damages, including pain and suffering, mental

and physical shock, and loss of amenities. Accordingly, the petitioner is entitled to compensation under the following heads:

45. **Loss of Future Income:** In the present case, the petitioner has contended that he was working as an Auto Rickshaw driver under Smt. Leelavathi and was also engaged in tiles and granite fixing work as a mason under Narayana A.V., AVG Associates, Puttur Taluk, and was earning Rs.45,000/- per month. However, no satisfactory documentary or independent evidence has been produced to establish the said employment or monthly income. Though Ex.P15, the driving licence, discloses that the petitioner possessed a valid licence to drive MCWG and LMV, it does not establish that he was employed as an Auto Rickshaw driver or was earning the income claimed by him. Further, the petitioner has not examined Smt. Leelavathi, under whom he claims to have worked as an Auto Rickshaw driver. Hence, the salary certificate/Ex.P-14 relied upon by the petitioner, by itself, cannot be accepted as sufficient proof of his actual income.

46. Similarly, the petitioner has not produced satisfactory documentary evidence to establish his alleged income from tiles and granite fixing work as a mason under Narayana A.V., AVG Associates, Puttur. Nevertheless, having regard to the nature of the avocation pleaded and proved to the extent available on record, his income can reasonably be assessed with reference to the minimum wages applicable to employment in Building and Other Construction Works prevailing as on the date of the accident.

47. In view of the law laid down by the Hon'ble High Court of Karnataka in Smt. Mariyamma & Others v. Sri. Suyambulingam V. & Another, MFA No.7404/2014 (MV-D), decided on 06.12.2022, where the actual income is not satisfactorily proved, the minimum wages prescribed under the Minimum Wages Act serve as a guiding factor for assessing notional income. Since the petitioner was working as a Mason doing work in tiles and granite fixing, which is a skilled employment, his income is liable to be assessed with reference to the minimum wages applicable

to a skilled worker, subject to the facts and circumstances of the case.

48. The accident occurred on 22.05.2025. As discussed above, the petitioner has failed to produce satisfactory evidence regarding his monthly income. Hence, following the principles laid down by the Hon'ble High Court of Karnataka in Smt. Mariyamma & Others v. Sri. Suyambulingam V. & Another, MFA No.7404/2014 (MV-D), decided on 06.12.2022, the minimum wages notified for Employment in Building and other construction work (Zone 4) are taken as the guiding factor. The applicable minimum wages, including VDA, for the period 01.04.2025 to 31.03.2026 are Rs.14,648.18/- per month, which is rounded-off to Rs. 14,648/- and accordingly the monthly income of the petitioner is assessed at Rs.14,648/-.

49. The petitioner was aged 47 years as on the date of the accident. In terms of the law laid down by the Hon'ble Supreme Court in Sarla Verma (Smt.) & Others v. Delhi Transport Corporation & Another, (2009) 6 SCC 121, the

appropriate multiplier applicable to the age group of 45–50 years is '13'.

50. Further, as held by the Hon'ble Supreme Court in *Raj Kumar v. Ajay Kumar & Another*, (2011) 1 SCC 343, compensation towards loss of future earning capacity has to be computed on the basis of the functional disability affecting the whole body and not merely the percentage of disability of a particular portion of the body. As already held, the whole-body permanent disability of the petitioner is assessed at 4%. Accordingly, the monthly loss of earning capacity works out to Rs.585.92/- (4% of Rs.14,648/-) which is rounded off to Rs.586/-. Applying the multiplier of 13, the petitioner is entitled to Rs.91,416/- ($\text{Rs.586} \times 12 \times 13$) towards loss of future income.

51. **Pain and suffering** :- As per the Wound Certificate at Ex.P8, the petitioner sustained five injuries, including compression fracture of the body of C5 vertebra and fracture of the greater tuberosity of the humerus. Out of the said injuries, two were grievous and three were simple in nature. The petitioner was treated as an

inpatient at Mahaveer Medical Centre, Puttur, from 23.05.2025 to 24.05.2025. Nothing worthwhile has been elicited in the cross-examination to discredit the evidence regarding the nature of the injuries and treatment undergone by the petitioner.

52. Having regard to the nature and severity of the injuries, period of hospitalization, treatment undergone and the consequent pain and suffering, this Tribunal considers it just and reasonable to award Rs.5,000/- for each grievous injury and Rs.1,000/- for each simple injury. Accordingly, for two grievous injuries and three simple injuries, the petitioner is entitled to Rs.13,000/- under the head "Pain and Suffering."

53. **Towards attendant charges, transportation and miscellaneous expenses:** A perusal of the discharge summary (Ex.P12) reveals that the petitioner was treated as an inpatient at Mahaveer Medical Centre, Puttur, from 23.05.2025 to 24.05.2025. During the period of hospitalization, the petitioner would have necessarily incurred expenses towards an attendant, nourishment,

conveyance and other incidental charges. Further, the petitioner was shifted from the place of accident to the hospital for treatment, thereby incurring transportation expenses. Having regard to the nature of the injuries and the period of hospitalization, this Tribunal considers it just and reasonable to award Rs.2,000/- towards attendant and incidental expenses and Rs.2,000/- towards transportation charges, in all Rs.4,000/- under this head.

54. **Loss of amenities and nutritional food**: The petitioner has sustained grievous injuries, which have affected his day-to-day activities and enjoyment of life during the period of treatment and recovery. Considering the nature of the injuries, the period of treatment and the need for nutritious food during convalescence, this Tribunal deems it just and reasonable to award a sum of Rs.10,000/- towards loss of amenities and nutritional food.

55. **Medical expenses** :- The petitioner has produced medical bills amounting to Rs.11,314.27/-, which are marked as Ex.P10. Though PW-1 was cross-examined at

length, nothing has been elicited to show that the said medical bills are fabricated or not genuine. In the absence of any rebuttal evidence from the respondents, the medical bills deserve acceptance. Accordingly, the petitioner is entitled to Rs.11,314.27/-, which is rounded off to Rs.11,314/- towards medical expenses.

56. Loss of income during the treatment period :

Considering that the petitioner sustained three grievous injuries, underwent inpatient treatment, and was working as a Mason by profession, it is evident that he would have been unable to attend his avocation during the period of treatment and recuperation. Having regard to the nature of the injuries and treatment, this Tribunal is of the opinion that the petitioner would have required two months' rest for recovery. Accordingly, taking the monthly income at Rs.14,648/-, the petitioner is entitled to Rs.29,296/- (Rs. 14,648 × 2) towards loss of income during the treatment period.

57. Disappointment, Discomfort and Frustration :

The petitioner was aged 47 years at the time of the

accident and sustained grievous injuries, which have undoubtedly caused physical discomfort, inconvenience and a reduction in the enjoyment of the normal amenities of life. Having regard to the age of the petitioner, the nature of the injuries and the resultant discomfort and inconvenience, this Tribunal considers it just and reasonable to award a sum of Rs.10,000/- towards loss of amenities.

58. **Future Medical Expenses** :- The petitioner has claimed a sum of Rs.25,000/- towards future medical expenses. On careful perusal of the evidence of C.W.-1, the treating Orthopedic Surgeon, it is evident that the petitioner had not undergone any surgery and that the injuries sustained by him have healed. Further, C.W.-1 has not deposed regarding the necessity of any future treatment, surgery or probable expenditure therefor. In the absence of any medical evidence or estimate establishing the requirement of future treatment, this Tribunal is of the considered opinion that the petitioner is not entitled to any compensation towards future medical expenses.

59. In view of above discussion, the petitioner in total is entitled for compensation under following heads:

Head of compensation	Amount
1. Loss of future Income:	Rs.91,416/-
2. Pain and sufferings	Rs.13,000/-
3.Attendants charges, transportation, miscellaneous expenses.	Rs.4,000/-
4. Amenities and Nutritional Food:	Rs.10,000/-
5. Medical expenses:	Rs.11,314/-
6. Loss of income during treatment period:	Rs.29,296/-
7.Disappointment, Discomfort and Frustration:	Rs.10,000/-
8. Future Medical Expenses	Nil
Grand Total	Rs.1,59,026/- (Rupees One Lakh Fifty Nine Thousand Twenty Six only)

60. **Liability** : Having held that the petitioner is entitled to compensation, the next question that arises for consideration is with regard to the liability to satisfy the award. The learned counsel for respondent No.2 has fairly

submitted that the offending vehicle was covered by a valid policy of insurance issued by respondent No.2 and that the policy was in force as on the date of the accident.

61. Though respondent No.2 has taken various defences in its written statement, no cogent or convincing evidence has been placed on record to establish any breach or violation of the terms and conditions of the insurance policy so as to avoid its statutory liability under the Motor Vehicles Act. Consequently, this Tribunal holds that the offending vehicle was duly insured with respondent No.2 on the date of the accident and that the policy covered the risk in question.

62. Accordingly, respondent No.1, being the registered owner of the offending vehicle, and respondent No.2, being its insurer, are jointly and severally liable to pay the compensation awarded herein. However, in view of the subsisting policy of insurance, the primary liability to satisfy the award shall be that of respondent No.2. Hence, respondent No.2 is directed to deposit and pay a sum of Rs.1,59,026/- (Rupees One Lakh Fifty Nine Thousand Twenty

Six only), together with interest as awarded, to the petitioner within the time stipulated by this Tribunal.

63. Rate of Interest: The petitioner has claimed interest at the rate of 21% per annum on the compensation amount from the date of the accident till its realization. The award of interest is discretionary and has to be determined keeping in view the prevailing bank rates and the facts and circumstances of each case.

64. The Hon'ble High Court of Karnataka in The Manager, Reliance General Insurance Co. Ltd. v. Smt. Vanajakshi, MFA No.4103/2017, decided on 18.03.2020, has held that interest at the rate of 6% per annum from the date of filing of the claim petition till deposit would meet the ends of justice.

65. Following the aforesaid principles, this Tribunal is of the considered view that interest at the rate of 6% per annum, instead of 21% per annum as claimed by the petitioner, would be just and reasonable. Accordingly, the petitioner is entitled to a total compensation of Rs.1,59,026/- (Rupees One Lakh Fifty Nine Thousand Twenty

Six only) together with interest at the rate of 6% per annum from the date of filing of the claim petition till realization, excluding the amount awarded towards future medical expenses, if any, in accordance with law. Consequently, Issue No.3 is answered Partly in the Affirmative.

66. **Issue No.4** :- Having answered Issues No.1 to 3, I proceed to pass the following;;

ORDERS

The petition filed by the petitioner, under Section 166 of the Motor Vehicles Act is allowed in part with costs.

The petitioner is entitled to compensation of Rs.1,59,026/- (Rupees One Lakh Fifty Nine Thousand Twenty Six only) along with interest at the rate of 6% p.a. from the date of petition, till the date of realization.

The respondent No.1 and 2 are jointly and severally liable to pay above compensation amount to the petitioner. However in view of the policy is in force, being insurer Respondent No.2 Insurance company is directed to deposit the above

said compensation amount in this tribunal within one Month from the date of this order.

Entire amount is ordered to be released directly in favour of the petitioner's bank account details through e-payment process on proper identification without seeking further order, as the awarded amount is meager one.

The advocate fee is fixed at Rs.1,000/-.

Draw award accordingly.

(Dictated to the stenographer directly on computer, typed by her and the same is corrected and then pronounced by me in the open court on this 11th day of August, 2026)

[Devaraj Y.H.]
I ADDL. SR. CIVIL JUDGE & JMFC.,
PUTTUR

: ANNEXURE :

LIST OF WITNESSES EXAMINED FOR THE PETITIONER:

PW1 : C. Chandrakumar

LIST OF DOCUMENTS EXHIBITED FOR THE PETITIONER:

Ex.P.1	:	True copy of the FIR
Ex.P.2	:	True copy of the Complaint
Ex.P.3	:	True copy of the spot panchanama
Ex.P.4	:	True copy of the draft sketch
Ex.P.5	:	True copy of the notice issued under Sec.133 of IMV Act
Ex.P.6	:	True copy of the reply given under Sec.133 of IMV Act
Ex.P.7	:	True copy of the Motor Vehicles

	Accident Report
Ex.P.8	: True copy of the wound certificate
Ex.P.9	: True copy of the charge sheet
Ex.P.10	: Medical bills (10 in number)
Ex.P.11	: Prescriptions (3 in numbers)
Ex.P.12	: Discharge summary
Ex.P.13	: Disability certificate
Ex.P13(a)	Signature of CW-1
Ex.P.14	: Salary certificate
Ex.P.15	: Notarized copy of DL
Ex.P.16	: X-ray

LIST OF WITNESSES EXAMINED THROUGH COURT COMMISSIONER:

NIL

LIST OF DOCUMENTS PRODUCED THROUGH COURT COMMISSIONER:

-Nil-

LIST OF WITNESSES EXAMINED FOR THE RESPONDENTS:

NIL

LIST OF DOCUMENTS EXHIBITED FOR THE RESPONDENTS:

Ex.R1	: Notarized copy of the insurance policy pertaining to vehicle bearing Reg. No.KA-21-Z-5765
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[Devaraj Y.H.]
I ADDL. SR. CIVIL JUDGE & JMFC.,
PUTTUR